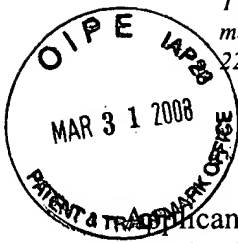
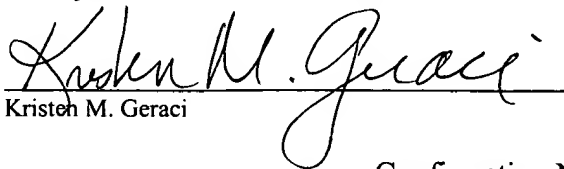


AF, FW

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Kristen M. Geraci

Confirmation No. 2377

Applicant : John W. Sims, et al.
Application No. : 09/807,070
Filed : April 6, 2001
Title : CASH MANAGEMENT SYSTEM INTERFACE
Grp./Div. : 3714
Examiner : Ronald Laneau
Docket No. : 39786/A484
Customer No. : 23363

**SUBMISSION OF APPELLANT'S REPLY BRIEF
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
March 28, 2008

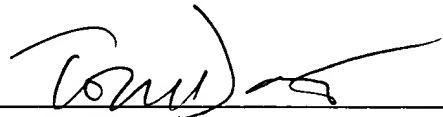
Commissioner:

Enclosed for filing is the Appellant's Reply Brief for this application.

The Commissioner is hereby authorized to charge any further fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Tom H. Dao
Reg. No. 44,641
626/795-9900

THD/kmg

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SECOND REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
March 28, 2008

Commissioner:

This is a second reply brief, in response to the second Examiner's Answer mailed on February 28, 2008. Appellants maintain the arguments stated in the appeal brief filed February 6, 2007, and the reply brief mailed on July 30, 2007. Appellants further respond to statements presented in the second Examiner's Answer and in the Order Returning Undocketed Appeal to Examiner of the Board of Patent Appeals and Interferences ("Board").

I. THE EXAMINER FAILED TO CLARIFY THE GROUNDS FOR REJECTING CLAIMS
2, 4, 6, 8, 10, 12, 14, 16, 18, AND 20-23 AS REQUIRED BY THE BOARD

Applicants received the Order Returning Undocketed Appeal to Examiner ("Order") of the Board mailed February 7, 2008. The Order states, "A review of the application has revealed that the application is not ready for docketing as an appeal...While, the Examiner did mention in his Final Rejection and in the Examiner's Answer claims 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20-23. However, it is unclear as to what grounds claims 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20-23 are rejected under. Clarification is required." (Order, page 1). The Order further states, "Accordingly, it is ORDERED that the application is returned to the Examiner to...vacate the Examiner's Answer mailed June 19, 2007, and issue a revised Examiner's Answer...". (Order, page 2). Applicants have reviewed the Examiner's Answer mailed February 28, 2008, apparently in response to the Order. It does not appear that the content of the Examiner's Answer mailed February 28, 2008 is different in any way from the content of the Examiner's Answer mailed June 19, 2007. The only apparent difference is an updated signature block at the end of the document. Accordingly, it does not appear that the Examiner's Answer mailed June 19, 2007, has been revised as ordered by the Board, not counting the updated signature block. Therefore, Applicants respectfully request an appropriate response to the requirements of the Board or alternatively for an order by the Board to vacate the Final Office Action and grant an Allowance.

To the extent the Examiner's Answer mailed February 28, 2008 is considered "revised", Appellants maintain the arguments stated in the appeal brief filed February 6, 2007, and the reply brief mailed on July 30, 2007.

II. THE BOARD'S FAILURE TO ADDRESS CLAIMS 24-26 AND, MORE
SPECIFICALLY, THE EXAMINER'S FAILURE TO ESTABLISH A PRIMA FACIE CASE
OF OBVIOUSNESS IN REJECTING CLAIMS 24-26 BY NOT ARTICULATING ANY
GROUNDS FOR REJECTING THE CLAIMS FOLLOWING APPLICANTS' REPEATED
REQUESTS FOR SUCH GROUNDS COMPELS A GRANT OF ALLOWANCE

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The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (MPEP § 706). Neither the Examiner's Answer mailed June 19, 2007, the Examiner's Answer mailed February 28, 2008, nor the prior Office Action provided any bases, reasons, or comments for rendering claim 24 obvious under 35 U.S.C. §103(a).

Claims 24-26 were added in the Response to Office Action dated May 3, 2006. However, in rejecting claims 24-26 in the Final Office Action dated July 26, 2006, the Examiner failed to articulate any reasons for rejecting them. The fact that the Examiner ignored established USPTO examination procedures was pointed out on Page 2 of Applicants' Pre-Appeal Brief Request for Review dated October 26, 2006, on Page 12 of Applicants' Appeal Brief dated February 6, 2007, and on Page 7 of Applicants' Reply Brief dated July 30, 2007. Applicants' inability to provide a response is directly attributable to the Examiner's failure to set forth a single argument in support of a prima facie case of obviousness after repeated calls to do so has unfairly and unnecessarily prolonged prosecution of this case and added to the costs of challenging deficient Office Actions. Accordingly, Applicants respectfully request a grant of allowance of claims 24-26 or alternatively a new non-final office action to afford Applicants an opportunity to address any substantive rejection.

Assuming arguendo that the Examiner's Answer had articulated a rejection, independent claim 24 is not taught or suggested by Brooks or Meeker or any combination thereof. Independent claim 24 recites, in part, a method of providing a communication interface for coupling a point-of-sale system to a cash management system having cash depositing and cash dispensing functions and providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system.

In the first instance and as discussed in Applicant's Reply Brief mailed July 30, 2007, Brooks expressly teaches away from incorporating a cash dispensing function in combination with a cash depositing function. Using the Brooks reference in the manner suggested by the

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Examiner would directly conflict with its expressed teachings. Thus, Brooks with Meeker cannot be combined in the manner suggested.

In the second instance, claim 24 recites, in part, "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system". Neither the Examiner's Answer nor the prior Office Action provided any bases, reasons, or comments for rendering this part of claim 24 obvious under § 103(a). No reference was made to Brooks or Meeker, nor could Applicants find any teaching in the two references regarding "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system."

Accordingly, the Examiner failed to articulate a rejection for claim 24, but even if the Examiner had, Brooks in view of Meeker, even if combinable, fails to teach or suggest all the claim limitations of claim 24.

Therefore, the Examiner failed to establish a prima facie case for obviousness, and claim 24 is patentable for at least this reason.

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III. CONCLUSION

For the above reasons, claims 1-26 are believed allowable and reversal of the rejection is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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